

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICIA GUTIERREZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-00181-DAD-GSA (SS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, AND REMANDING THIS
CASE TO DEFENDANT COMMISSIONER

(Doc. Nos. 20, 25)

Plaintiff Patricia Gutierrez, proceeding with counsel, brought this action seeking judicial review of the Commissioner of Social Security's final decision denying plaintiff's application for benefits under the Social Security Act. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 4, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for summary judgment (Doc. No. 20)¹ be granted, that the defendant Commissioner's decision denying plaintiff's application for benefits be reversed, and that the matter be remanded to the administrative law judge ("ALJ") for further

¹ The court construes the above-referenced filing to be a motion for summary judgment, though plaintiff does not expressly describe the filing in this way.

1 proceedings. (Doc. No. 25 at 20.) Specifically, the magistrate judge concluded that while the
2 ALJ did not err by relying on his own lay interpretation of the medical data (*id.* at 4–6), the ALJ’s
3 finding that plaintiff was not disabled was not supported by substantial evidence for several
4 reasons (*id.* at 6–20). In particular, the court highlights the magistrate judge’s findings that the
5 ALJ repeatedly cited to medical evidence in the record that has since been replaced with blank
6 pages reading “THIS PAGE HAS BEEN REMOVED, BECAUSE IT BELONGS TO
7 ANOTHER CLAIMANT” (*see, e.g.*, Doc. No. 12-1 at 34) (citing *id.* at 395); that the ALJ
8 repeatedly cited to medical evidence in the record that was purportedly inconsistent with
9 plaintiff’s limitations without noting that such evidence preceded the alleged disability onset date
10 by approximately one to two years (*see, e.g.*, *id.* at 34) (citing *id.* at 404, 406, 408, 410, 412); and
11 that the ALJ erroneously concluded that plaintiff’s pain from her rheumatoid arthritis had been
12 controlled with treatment despite voluminous medical evidence of plaintiff’s ongoing pain (*see*
13 Doc. No. 25 at 13–14).

14 The pending findings and recommendations were served on the parties and contained
15 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
16 20–21.) To date, no objections to the findings and recommendations have been filed, and the
17 time in which to do so has now passed.

18 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
19 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
20 findings and recommendations are supported by the record and by proper analysis.²

21 Accordingly:

22 1. The findings and recommendations issued on December 4, 2023 (Doc. No. 25) are
23 adopted;

24 2. Plaintiff’s motion for summary judgment (Doc. No. 20) is granted;

25

26 ² The court notes one exception: The pending findings and recommendations state that the ALJ
27 “noted seven instances of range of motion deficits” (Doc. No. 25 at 12) when the ALJ in fact
28 noted only four. The ALJ cited to seven documents noting plaintiff’s limited range of motion, but
two of those seven were duplicates and another had been replaced because it belonged to another
claimant as noted above. (*See* Doc. No. 12-1 at 34) (citing *id.* at 395, 497, 550, 645, 663).

3. This case is remanded to the defendant Commissioner for further proceedings consistent with this order and with the findings and recommendations (Doc. No. 25); and
4. The Clerk of the Court is directed to enter judgment in favor of plaintiff and close this case.

IT IS SO ORDERED.

Dated: April 15, 2024

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE